

REMARKS

The Examiner has rejected claims 43-69. Claims 1-42 were previously canceled. Claims 43, 44, 46-48, 50, 51, 64-67, and 69 have been amended to further recite the features of the invention. As a result, claims 43-69 are pending for examination with claims 43, 50, and 67 being independent claims. The amendments made find support in the specification and do not constitute new matter.

Claim Rejections – 35 U.S.C. §112, second paragraph:

Rejection a. The Examiner has rejected claims 43, 50, and 67, and their dependent claims, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner states that, "Claims 43, 50 and 67 recite the limitation of 'hole-punching' which renders the claims indefinite."

Applicant traverses the Examiner's rejection for at least the reasons stated in the Response filed 7/26/2006. None the less, Applicant has amended claim 43, 50, and 67 along with their dependent claims to remove the term "hole-punching".

Accordingly, Applicant submits that claims 43, 50, and 67, and their dependent claims, particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As such, Applicant respectfully requests that the Examiner withdraw the rejection.

Amendment
Application Number: 09/955,525
Attorney Docket Number: 171328.01

Rejection b. The Examiner has rejected claims 43, 64, and 67, and their dependent claims, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner states that, "Claims 43, 64 and 67 recite the limitation of 'immaterial' which renders the claims indefinite."

Applicant traverses the Examiner's rejection for at least the reasons stated in the Response filed 7/26/2006. None the less, Applicant has amended claim 43, 64, and 67 along with their dependent claims to remove the term "immaterial".

Accordingly, Applicant submits that claims 43, 64, and 67, and their dependent claims, particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As such, Applicant respectfully requests that the Examiner withdraw the rejection.

Rejection c. The Examiner has rejected claims 44 and 52 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner states that, "Claims 44 and 52 recite the limitation of 'harmless' which renders the claims indefinite."

Applicant traverses the Examiner's rejection for at least the reasons stated in the Response filed 7/26/2006. None the less, Applicant has amended claim 44 and 52 to remove the term "harmless".

Amendment
Application Number: 09/955,525
Attorney Docket Number: 171328.01

Accordingly, Applicant submits that claims 44 and 52 particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As such, Applicant respectfully requests that the Examiner withdraw the rejection.

Rejection d. The Examiner has rejected claim 69 under 35 U.S.C. §112, second paragraph, as being indefinite because "...claim 69 adds additional limitation 'embodied computer-executable instructions on a computer-readable medium' that describes the scope of claim 69 as a software per se and thus modifies the nature of dependent claims 67 and 68 not be able to behave like a device...."

Applicant has amended claim 69 to correct the problem pointed out by the Examiner.

Accordingly, Applicant submits that claim 69 particularly points out and distinctly claims the subject matter which Applicant regards as the invention. As such, Applicant respectfully requests that the Examiner withdraw the rejection.

Claim Rejections – 35 U.S.C. §102:

The Examiner has rejected claims 43, 47, 49-51, 55-63, and 67-68 under 35 U.S.C. §102(b) as being anticipated by Srisuresh, et al., (US 6,058,431) ("Srisuresh").

Rejection a. Regarding independent claim 43, the Examiner has rejected the claim for the reasons stated. Applicant traverses the Examiner's rejection for at least the reasons stated in the Response filed 7/26/2006. Never the less, Applicant has amended claim 43 to further recite the features of the invention.

Claim 43 has been amended to call for:

"...creating a message addressed to the outside device and configured to enable the network address translator to create an address mapping, the message further configured to be discarded by the network or the outside device;" (underlining added for emphasis)

As such, Applicant submits that claim 43 is not anticipated by Srisuresh under 35 U.S.C. §102(b).

Amendment
Application Number: 09/955,525
Attorney Docket Number: 171328.01

The original specification provides:

"Once the mapping is in place, the further disposition of the message is immaterial. The message may have a NULL content field and be discarded either in the network or upon arrival at device 118. If device 118 were behind its own NAT (not shown), then the message would certainly be discarded by that NAT. None of this matters as the only purpose of this message is to induce the NAT 106 to set up the address mapping between devices 100 and 118." (Pg. 9, lines 11–15; underlining added for emphasis)

Srisuresh, on the other hand, does not disclose a message "configured to be discarded by the network or the outside device." Moreover, Srisuresh teaches away from this feature by describing sessions such as FTP or Telnet sessions wherein the data/datagrams are specifically intended to reach a destination device, such reliable delivery being the very purpose of such a session. (See Srisuresh, col. 5, line 45–col. 6, line 11.)

Accordingly, Applicant submits that claim 43 is not anticipated by Srisuresh under 35 U.S.C. §102(b). Further, **Rejection b** deals with claim 47 and **Rejection c** deals with claim 49; claims 44–49 are dependent on claim 43 and, as such, are believed allowable based, at least in part, upon claim 43.

Amendment
Application Number: 09/955,525
Attorney Docket Number: 171328.01

Rejections d and e. Regarding independent claims 50 and 67, the Examiner has rejected the claims for the reasons stated. Applicant traverses the Examiner's rejections for at least the reasons stated in the Response filed 7/26/2006. None the less, Applicant has amended claims 50 and 67 to further recite the feature of the invention.

Claim 50 has been amended to call for:

"...creating a message addressed to a remote device and configured to be discarded by the network or the remote device;" (underlining added for emphasis)

Claim 67 has been amended to call for:

"...a message creation means coupled to the network communication means and operable to create a message addressed to the remote device, the message configured to be discarded by the network or the remote device..." (underlining added for emphasis)

As such, Applicant submits that claims 50 and 67 are not anticipated by Srisuresh under 35 U.S.C. §102(b).

Amendment
Application Number: 09/955,525
Attorney Docket Number: 171328.01

The original specification provides:

"Once the mapping is in place, the further disposition of the message is immaterial. The message may have a NULL content field and be discarded either in the network or upon arrival at device 118. If device 118 were behind its own NAT (not shown), then the message would certainly be discarded by that NAT. None of this matters as the only purpose of this message is to induce the NAT 106 to set up the address mapping between devices 100 and 118." (Pg. 9, lines 11–15; underlining added for emphasis)

Srisuresh, on the other hand, does not disclose a message "configured to be discarded by the network or the outside device." Moreover, Srisuresh teaches away from this feature by describing sessions such as FTP or Telnet sessions wherein the data/datagrams are specifically intended to reach a destination device, such reliable delivery being the very purpose of such a session. (See Srisuresh, col. 5, line 45–col. 6, line 11.)

Accordingly, Applicant submits that independent claims 50 and 67 are not anticipated by Srisuresh under 35 U.S.C. §102(b). Further, claims 51–66 and 68–69, some of which are dealt with in **Rejections e–l**, are dependent on claim 50 or 67. As such, claims 51–66 and 68–69 are believed allowable based, at least in part, upon claim 50 or 67.

Claim Rejections – 35 U.S.C. §103:

The Examiner has rejected claims 65–66 under 35 U.S.C. §103(a) as being unpatentable over Srisuresh in view of Berg et al (US 6,674,713 B1) (“Berg”).

Claims 65 and 66 are dependent on claims 50 and 67 respectively. As such, claims 65 and 66 are believed allowable based, at least in part, upon claim 50 or 67.

Accordingly, reconsideration and examination of the above–referenced Application is requested.

CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested. Based on the foregoing, Applicant respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant’s representative at the telephone number listed below.

Amendment
Application Number: 09/955,525
Attorney Docket Number: 171328.01

AMENDMENT

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

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Date: December 13, 2006

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Amendment
Application Number: 09/955,525
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